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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 TACOMA DIVISION

9 JUSTIN W. BURGESS,

10 Plaintiff,

11 vs.

12 COMMISSIONER OF SOCIAL SECURITY,

13 Defendant
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) CIVIL NO. 3:19-cv-05461-RSM
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) ORDER
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15 This matter comes before the Court on the parties' stipulated motion for attorney's fees
16 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

17 The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in
18 §2412(d)(1)(B), from the entry of final judgment on December 3, 2019, to file a timely EAJA
19 application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S.
20 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the stipulation and the
21 record, the Court determines that Plaintiff is the prevailing party, the government's position was
22 not substantially justified, and that the itemization of attorney time spent is reasonable. In short,
23 the requirements of § 2412(d)(1)(B) are met.
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1 Having thoroughly considered the parties' briefing and the relevant record, the Court
2 hereby GRANTS the motion and awards Plaintiff \$5,040.00 in attorney's fees, subject to any offset
3 allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*, 560 U.S. 586, 589 – 590 (2010).
4 If EAJA fees are not subject to any offset, payment of this award shall be made via check sent to
5 Attorney David Oliver's address: David Oliver & Associates, 2608 South 47th Street, Suite C,
6 Tacoma, WA 98409.

7 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is GRANTED;
8 DATED this 12th day of February 2020.

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11 RICARDO S. MARTINEZ
12 CHIEF UNITED STATES DISTRICT JUDGE
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14 Presented by:

15 S/David P. OLIVER
16 David P. Oliver,
17 Attorney for Plaintiff
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